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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

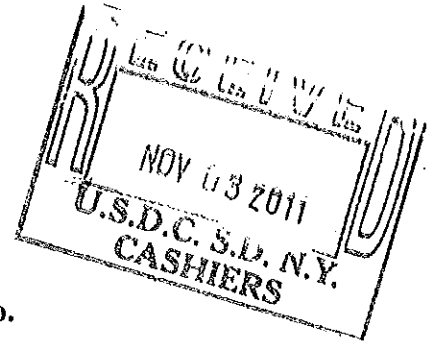
ALERIC BANKS A/K/A/ RICK THA RULER and  
MONIQUE HINES,

Plaintiffs,

- against -

DAVID ANDREW "ANDY" SAMBERG d/b/a THE  
LONELY ISLAND, AKIVA "KIV" SCHAFER d/b/a  
THE LONELY ISLAND, JORMA "JORM" TACCONE  
d/b/a THE LONELY ISLAND, LONELY ISLAND  
TECHNOLOGIES, INC., NBC UNIVERSAL, LLC and  
UNIVERSAL REPUBLIC RECORDS, INC.,

Defendants.



Index No.

**COMPLAINT**

Plaintiffs Aleric Banks a/k/a Rick Tha Ruler and Monique Hines, by and  
through their undersigned attorneys, hereby complain of Defendants as follows:

**JURISDICTIONAL STATEMENT**

1. This complaint alleges causes of action under the Copyright Laws of the  
United States, Title 17 of the United States Code and the laws of the State of New York.  
Subject matter jurisdiction is conferred by 28 U.S.C. §§ 1331, 1338 and 2201.

**PARTIES AND VENUE**

2. Plaintiff Aleric Banks a/k/a Rick Tha Ruler (hereinafter "Banks") is an  
individual residing in the City of St. Louis, State of Missouri.

3. Plaintiff Monique Hines (hereinafter “Hines”) is an individual residing in the City of St. Louis, State of Missouri.

4. Upon information and belief, Defendant David Andrew “Andy” Samberg (“Samberg”) is a resident of the State of New York and is a member of the band “The Lonely Island.”

5. Upon information and belief, Defendant Akiva “Kiv” Schaffer (“Schaffer”) is a resident of the State of New York and is a member of the band “The Lonely Island.”

6. Upon information and belief, Defendant Jorma “Jorm” Taccone (“Taccone”) is a resident of the State of New York and is a member of the band “The Lonely Island.”

7. The Lonely Island is a musical group of comedic performers consisting of Defendants Samberg, Schaffer and Taccone. The Lonely Island is best known for its performances on the late night television comedy show “Saturday Night Live.” Samberg, Schaffer and Taccone p/k/a The Lonely Island transact business within the State of New York, County of New York both individually and as members of the band The Lonely Island.

8. Defendant Lonely Island Technologies, Inc., (“Lonely Island Technologies”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 9229 Sunset Blvd., Suite 414, Los Angeles, CA 90069. Lonely Island Technologies claims to run, and own the content contained on, The Lonely Island Website [www.thelonelyisland.com](http://www.thelonelyisland.com).

9. Defendant NBC Universal, LLC (“NBC”) is a corporation organized and existing under the laws of the State of Delaware, and has a principal place of business located at 30 Rockefeller Plaza, New York, New York 10112. NBC, through its wholly owned

division NBC Entertainment, develops and schedules "Saturday Night Live" for television broadcasting across the United States.

10. Defendant Universal Republic Records ("URR") is a wholly owned division of the UMG Recordings, Inc. ("UMG") and upon information and belief is a corporation organized and existing under the laws of the State of Delaware, and has a principal place of business located at 1755 Broadway, 8<sup>th</sup> Floor, New York, New York 10019. Defendant The Lonely Island is signed as a recording artist to URR.

11. Venue is proper in this judicial district pursuant to U.S.C. §§1391 and 1400.

#### **STATEMENT OF THE CASE**

12. This is an action for the willful infringement of Plaintiffs' copyrights in an original musical composition and the master sound recording of that musical composition (jointly, the "Copyrighted Works") produced, written and recorded by Plaintiff Banks and co-written by Plaintiff Hines. The Copyrighted Works were set to lyrics written by Defendant The Lonely Island and, without Plaintiffs permission, were ultimately recorded and set to a comedy skit and derivative work performed by Defendant Samberg, as a character known as "Shy Ronnie" together with the Grammy award winning artist Rihanna on the NBC Comedy Show "Saturday Night Live."

13. Plaintiff Banks also seeks an accounting and damages of and for mechanical and producer royalties owed to him for his share in the copyrights to another musical composition written and produced by him. Like the "Shy Ronnie" skit, Banks' musical composition was set to lyrics written by The Lonely Island, and was recorded and ultimately performed as a derivative work on another edition of Saturday Night Live, this time featuring Defendant Samberg and the well known actor Seth Rogen in a comedy skit

and song entitled *Like A Boss*. The *Like A Boss* derivative work was also released on The Lonely Island's album entitled *Incredibad*.

**FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

**Shy Ronnie**

14. In 2008, Plaintiff Banks authored composed and recorded a series of musical compositions embodied on the compilation *Aleric Banks a.k.a. Rick Tha Ruler's Instrumental Archive 1*.

15. The Copyrighted Works are included on the compilation *Aleric Banks a.k.a. Rick Tha Ruler's Instrumental Archive 1*.

16. On or about February 13, 2009, Plaintiff Banks filed for and received a copyright registration from the United States Copyright Office for the musical compositions embodied on the compilation *Aleric Banks (sic) a.k.a. Rick Tha Ruler's Instrumental Archive 1*, including the Copyrighted Works.

17. The United States Copyright Office issued Copyright Registration No. SRu 1-030-162 to cover the musical compositions embodied on the compilation *Aleric Banks a.k.a. Rick Tha Ruler's Instrumental Archive 1* including the Copyrighted Works. A true copy of the subject copyright registration certificate is annexed hereto as Exhibit A.

18. At all times relevant hereto, Plaintiff Banks has been and still is the owner of all copyright rights in and to *Aleric Banks a.k.a. Rick Tha Ruler's Instrumental Archive 1*, including the Copyrighted Works, and has never assigned, licensed or otherwise transferred any of his interests in the Copyrighted Works to Defendants or dedicated them to the public.

19. Plaintiff Hines co-wrote the music embodied in the Copyrighted Works together with Plaintiff Banks.

20. Upon information and belief, after the creation of the musical compositions embodied on the compilation *Aleric Banks a.k.a. Rick Tha Ruler's Instrumental Archive 1*, including the Copyrighted Works, and within the last three (3) years, Defendant The Lonely Island used and included the Copyrighted Works in creating, authoring and publishing a derivative work entitled *Shy Ronnie*, which was ultimately recorded by The Lonely Island.

21. Defendants failed and refused to provide Plaintiffs with their rightful writer and publishing shares of the new musical composition *Shy Ronnie* even though Plaintiffs were the sole authors of the original *Shy Ronnie* composition and Plaintiff Banks was the sole owner of the original *Shy Ronnie* master sound recording.

22. Additionally, Defendants failed and refused to compensate Plaintiffs for The Lonely Island's verbatim use of Plaintiffs' master recording of the original *Shy Ronnie* composition in the Lonely Island's recording of its derivative *Shy Ronnie* composition.

23. On December 5, 2009, The Lonely Island, principally through Defendant Samberg, used the Copyrighted Works to create and perform on Saturday Night Live a song and a skit known as "Shy Ronnie." See <http://www.hulu.com/watch/113207/saturday-night-live-snl-digital-short-shy-ronnie>. In the *Shy Ronnie* skit, Mr. Samberg performs as a character known as Shy Ronnie with the Grammy award winning and multi platinum selling artist Rihanna. The skit is set entirely to Plaintiffs' original sound recording of the Copyrighted Works and uses Plaintiffs' sound recording verbatim.

24. Upon information and belief, Defendant NBC exploited the Copyrighted Works through its inclusion of the *Shy Ronnie* song and skit in the December 5, 2009

broadcast of Saturday Night Live as well as in subsequent re-broadcasts and has recouped significant profits as a result.

25. Upon information and belief, The Lonely Island has received income through the exploitation of the Copyrighted Works in the *Shy Ronnie* skit as well as its exploitation of the “Shy Ronnie” character as a result of its use of the Copyrighted Works in creating, authoring and publishing The Lonely Island’s *Shy Ronnie* derivative composition and by exhibiting the Shy Ronnie skit and derivative work on The Lonely Island’s website. See <http://www.thelonelyisland.com/video/shy-ronnie>.

26. Defendants created, produced, manufactured, distributed and exploited the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit for theatrical exhibition in the United States. Saturday Night Live was and is a successful television series generating millions of dollars in revenues for the Defendants.

27. Thereafter, Defendant NBC distributed the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit for: (a) exhibition in international markets; (b) in various home media formats; (c) for exhibition of free television and basic cable programming services; and (d) through internet distribution including but not limited to the following: [http://www.nbc.com/saturday-night-live/video/digital\\_short\\_shy\\_ronnie/1182201](http://www.nbc.com/saturday-night-live/video/digital_short_shy_ronnie/1182201).

28. In addition, upon information and belief, Defendants have exploited the Shy Ronnie skit in other ways including, but not limited to, developing the “Shy Ronnie” character for further comedic and profitable exploitation. See <http://www.hulu.com/watch/189449/saturday-night-live-snl-digital-short-shy-ronnie-2-ronnie-and-clyde>; <http://www.thelonelyisland.com/video/shy-ronnie>.

29. The Lonely Island did not seek Plaintiffs' permission before exploiting and copying the Copyrighted Works and permitting the same to be included in the subsequent composition and derivative work entitled *Shy Ronnie*.

30. NBC did not seek Plaintiffs' permission before exploiting the Copyrighted Works and including the Copyrighted Works in the Shy Ronnie skit in the December 5 2009 broadcast of Saturday Night Live as well as in subsequent re-broadcasts and subsequent further exploitation of the Shy Ronnie skit and derivative work.

**Like A Boss**

31. Plaintiff Banks also produced, composed and wrote the music to a composition entitled *Like A Boss*, which was included as one of the tracks on The Lonely Island's album *Incredibad* which was released on or about February 10, 2009.

32. Like *Shy Ronnie*, the music composed by Banks for *Like A Boss* was also included as a song and skit performed by The Lonely Island on the April 4, 2009 edition of Saturday Night Live, featuring performances by Defendant Samberg and the well-known actor Seth Rogen. Upon information and belief, Plaintiff Banks' production and composition was set to lyrics written by The Lonely Island. See <http://www.hulu.com/watch/66312/saturday-night-live-snl-digital-short-like-a-boss>.

33. Like the Shy Ronnie skit, *Like A Boss* (the uncensored version) can also be viewed on the Lonely Island website. See <http://www.thelonelyisland.com/video/like-a-boss-uncensored>.

34. Sometime prior to the release of *Incredibad* and the airing of the *Like A Boss* song and skit on Saturday Night Live, Defendant URR provided Plaintiff Banks with a "producer declaration" form. In that form, Banks provided that, as the writer and

producer of the musical composition *Like A Boss*, he was a 50% owner of the copyright in and to *Like A Boss*, as was customary.

35. On or about March 19, 2010, Plaintiff Banks received a letter and statement from UMG claiming that Plaintiff Banks entered into an agreement with Defendant Lonely Island Technologies wherein Banks was entitled only to a 25% copyright interest in the musical composition *Like A Boss*.

36. The March 19, 2010 letter also failed to acknowledge that Plaintiff Banks was entitled to receive producer royalties for his production of the music for *Like A Boss*.

37. To date, Banks has not received producer royalties for his production of the music for *Like A Boss*.

38. Plaintiff Banks never agreed to a 25% share in the musical composition *Like a Boss*. Rather, Plaintiff Banks' agreed to a 50% share and is entitled to: (i) 50% of the mechanical royalties, performance royalties and other related income for his 50% share of the copyright in and to the song *Like A Boss* for his creation of the music for the song; and (ii) producer royalties for his production of *Like A Boss*.

39. Upon information and belief Defendant URR, or an agent or agents acting on behalf of URR, filed for the copyright for the musical composition *Like A Boss*.

40. On or about May 8, 2009, the Copyright Office issued a copyright for the musical composition *Like A Boss* bearing registration number PA 0001676861. Despite his agreement to the contrary, Plaintiff Banks is not designated as a 50% owner of the music he produced and composed for *Like A Boss*.

41. On or about March 12, 2009, URR filed for and obtained a copyright for



the Sound Recording for Defendant The Lonely Island's album entitled *Incredibad*, which includes the song *Like A Boss* (the "Sound Recording Registration"). The registration number for the Sound Recording Registration is SR 0000626978. A print-out from the Copyright Office of the Sound Recording Registration is annexed hereto as Exhibit B.

42. The Sound Recording Registration provides that the sound recordings on *Incredibad* were recorded on an employer for hire or "work for hire" basis.

43. Plaintiff Banks did not enter into a work for hire agreement with URR, the Lonely Island or any of the other Defendants in connection with his composition of the music for and sound recording of *Like A Boss*.

44. Plaintiff Banks has been denied royalties due and owing him due to Defendant URR improperly designating his work on *Like A Boss* being performed on a "work for hire" basis.

**As and for a First Cause of Action  
COPYRIGHT INFRINGEMENT AGAINST DEFENDANTS SAMBERG,  
SCHAFER, TACCONE, THE LONELY ISLAND, LONELY ISLAND  
TECHNOLOGIES AND NBC**

45. Plaintiffs reallege and incorporate by reference paragraphs 1 through 44 as if fully set forth herein.

46. This cause of action arises under the United States Copyright Act 17 U.S.C. § 101 *et seq.*

47. Plaintiffs own the copyrights in and to the musical compositions embodied on the compilation *Aleric Banks a.k.a. Rick Tha Ruler's Instrumental Archive 1*, including the Copyrighted Works, and have the authorization to file the instant action.

48. Upon information and belief, Defendants Samberg, Schaffer, Taccone, The

Lonely Island, Lonely Island Technologies and NBC have exploited the Copyrighted Works by one or more of the following: (a) exhibiting the Copyrighted Works on Saturday Night Live; (b) preparing derivative works based upon the Copyrighted Works; (c) distributing copies of the *Shy Ronnie* skit incorporating the Copyrighted Works to the public by sale or other transfer of ownership, or by rental, lease or lending; and/or (d) by publicly performing the Copyrighted Works by and through the *Shy Ronnie* skit.

49. Defendants' conduct as alleged above was never authorized, licensed, permitted or ratified by Plaintiffs or their agents.

50. Upon information and belief, as a direct and proximate result of their wrongful conduct, Defendants have realized and continue to realize profits and other benefits based on their unauthorized use of *Shy Ronnie*.

51. Upon information and belief, Defendants willfully engaged in, and are willfully engaging in, the acts complained of herein in conscious disregard of the rights of Plaintiffs.

52. Defendants' aforementioned acts constitute willful copyright infringement in violation of 17 U.S.C. § 501.

53. As a direct and proximate result of the Defendants' infringement, Plaintiffs have suffered and will continue to suffer money damages.

**As and for a Second Cause of Action  
AN ACCOUNTING AGAINST DEFENDANT URR**

54. Plaintiffs reallege and incorporate by reference paragraphs 1 through 53 as if fully set forth herein.

55. Defendant URR continues to fail to fully and completely account and pay to Plaintiff Banks for URR's exploitation of the music produced and composed by Banks for

*Like A Boss*.

56. Upon an accounting to Banks, significant sums of money will be found due and owing to Banks, the amount of which is not known to him at this time.

57. Prior to the commencement of this action, Banks has duly demanded of Defendant URR an accounting of such monies belonging to him; however, Defendant URR has failed, omitted and refused to render, and has never rendered such an accounting, nor paid any such monies in full to banks.

58. Plaintiff Banks has no adequate remedy at law.

**As and For a Third Cause of Action  
UNJUST ENRICHMENT AGAINST ALL DEFENDANTS**

59. Plaintiffs reallege and incorporate by reference paragraphs 1 through 58 as if fully set forth herein.

60. By receiving and retaining some or all of Plaintiff Banks' share of royalties for the exploitation of *Shy Ronnie* and *Like A Boss*, Defendants Samberg, Schaffer, Taccone, the Lonely Island, the Lonely Island Technologies and URR have been unjustly enriched.

61. As a direct and proximate result of Defendants' unjust enrichment, Plaintiff Banks has been damaged in an amount to be determined at trial.

**WHEREFORE**, Plaintiffs demand the following relief:

1. On the First Cause of Action:

(a) An Order declaring that Defendants have willfully infringed Plaintiffs' copyrights in and to the Copyrighted Works.;

(b) An Order requiring Defendants to: (i) destroy all infringing materials including, but not limited to, all DVDs, videocassettes and other home media products containing the comedy skit "Shy Ronnie"; (ii) immediately cease and desist

from exhibiting the Shy Ronnie skit on [www.thelonelyisland.com](http://www.thelonelyisland.com); and (iii) provide a declaration from Defendant The Lonely Island and a senior executive of Defendant NBC Universal, LLC, certifying that all infringing materials have been destroyed;

(c) Under 17 U.S.C. § 504, an award of actual damages and disgorgement of all profits attributable to exploitation of *Shy Ronnie* and the Copyrighted Works including, but not limited to, all profits from: (i) broadcast of the “Shy Ronnie” skit for domestic and international television exhibition; (ii) the sale and rental of the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit in any home media formats; (iii) distributing the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit to pay television services; (iv) distributing the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit to free television, cable and internet programming services; (v) producing the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit; (vi) manufacturing the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit; and (vii) otherwise exploiting the December 5, 2009 Saturday Night Live broadcast featuring the “Shy Ronnie” skit through licensing, merchandising or other means;

(d) Under 17 U.S.C. § 504, an award of statutory damages;

(e) An award of attorney’s fees, prejudgment and post judgment interest on all sums, and costs under the Copyright Act.

2. On the Second cause of Action:

An Order directing URR, its agents, servants, employees, affiliates, licensees and assignees to account for:

(i) all sums collected as a result of manufacturing, distributing, selling and/or otherwise exploiting Plaintiff Banks' share of the copyrights for *Like A Boss* arising from his ownership in the composition of *Like A Boss*; and (ii) all sums collected as a result of manufacturing, distributing, selling and/or otherwise exploiting Plaintiff Banks' production of *Like A Boss*.

3. On the third cause of action, damages in an amount to be awarded at trial including Plaintiff Banks' reasonable attorneys fees, pre and post judgment interest as well as the costs of this action; and

4. Such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs Aleric Banks a/k/a Rick Tha Ruler and Monique Hines demand a trial by jury on all issues so triable.

Dated: New York, New York  
November 2, 2011

ADAM RICHARDS LLC

By: 

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# EXHIBIT A

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
SRu 1-030-162

Effective date of  
registration:  
July 10, 2009

### Title

Title of Work: Aleric Banks a.k.a Rick The Ruler's Instrumental Archive 1

### Completion/Publication

Year of Completion: 2008

### Author

■ Author: Aleric Banks

Author Created: Original Instrumentals

Work made for hire: No

Year Born: 1986

Anonymous: No

Pseudonymous: No

### Copyright claimant

Copyright Claimant: Aleric Banks

3540 Glen Town Lane, St. Louis, MO, 63114

### Limitation of copyright claim

Previously registered: No

Basis of current registration. This is the first published edition of a work prev. registered as unpublished.

### Certification

Name: Aleric Banks

Date: February 13, 2009

Correspondence: Yes

Copyright Office notes: Regarding author information: Deposit copy contains music and sound recording.

Registration #: SRU001030162

Service Request #: 1-224373781



Sam Heat d.b.a Fire Productions Management  
3712 Nelson Drive  
St. Louis, MO 63121



# EXHIBIT B

**Copyright**

United States Copyright Office

[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)

## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = SR0000626978

Search Results: Displaying 1 of 1 entries

[Labeled View](#)

### *Incredibad.*

**Type of Work:** Sound Recording**Registration Number / Date:** SR0000626978 / 2009-03-12**Application Title:** Incredibad, Artist: The Lonely Island, 00602517969049 (CD/DVD)**Title:** Incredibad.**Publisher Number:** B0012576-00 Universal Republic Records**Description:** Compact disc.**Copyright Claimant:** Universal Republic Records, A Div. of UMG Recordings, Inc. Address: 2220 Colorado Ave., Santa Monica, CA, 90404.**Date of Creation:** 2008**Date of Publication:** 2009-02-10**Nation of First Publication:** United States**Authorship on Application:** Universal Republic Records, A Div. of UMG Recordings, Inc., employer for hire; Citizenship: United States. Authorship: artwork, photograph(s), Most Sound Recordings.**Pre-existing Material:** Some Sound Recordings: "Dick In A Box"; "Lazy Sunday"; "Jizz In My Pants" (00602517969650); "I'm On A Boat" (00602517985667)**Basis of Claim:** artwork, photograph(s), All Other Sound Recordings.**Contents:** WHO SAID WE WE'RE WHACK? -- SANTANA DVX -- SAX MAN -- NORMAL GUY -- BOOMBOX -- SHROOMS -- LIKE A BOSS -- WE LIKE SPORTZ -- DREAMGIRL -- RAS TRENT -- THE OLD SALOON -- PUNCH YOU IN THE JEANS -- SPACE OLYMPICS -- NATALIE'S RAP -- INCREDIBAD.**Names:** UMG Recordings, Inc.Universal Republic Records

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